



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/994,631	11/28/2001	Hideyuki Matsushima	05711.0131	7707

7590 10/23/2002

Finnegan, Henderson, Farabow,
Garrett & Dunner, L.L.P.
1300 I Street, N.W.
Washington, DC 20005-3315

EXAMINER

JACKSON, ANDRE L

ART UNIT

PAPER NUMBER

3677

DATE MAILED: 10/23/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/994,631

Applicant(s)

MATSUSHIMA ET AL.

Examiner

Andre' L. Jackson

Art Unit

3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8, 9 and 11 is/are rejected.
- 7) ☒ Claim(s) 7 and 10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Specification

The disclosure is objected to because of the following informality: On page 12 of the specification, in line 3, "a grip portion" is referenced by numeral (8). In line 15, "a tongue-like receiving portion" is referenced by the same numeral (8). Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 3, 4 and 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 3 recites the limitations "the flat base plate" in lines 3 and 5 respectively and "the tongue-like receiving portion" in line 4. There is insufficient antecedent basis for these limitations in the claim.

Art Unit: 3677

Regarding claim 4, the phrase “wherein each of the pair of the snap elements has the grip portion protruded beyond the base portion...” renders the claim indefinite because in claim 1, line 8, applicant established that “any one of the snap elements having a grip portion” not that each of the snap elements has a grip portion as recited in claim 4. Appropriate explanation is required.

Claim 4 recites the limitation “the mating base plate” in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 11 recites the limitations “the center lines” and “the same line” in lines 3 and 4 respectively. There is insufficient antecedent basis for these limitations in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 8 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by USPN 4,944,072 to Robson. Robson discloses a snap fastener comprising a pair of snap elements (11, 12) capable of engaging with or disengaging from each other in an opposing direction, wherein the one snap element thereof has an engaging head (13, 23) provided protruded on a base plate while the other snap element has an engaging hole portion (14) provided in a base plate, with which the engaging head is capable of engaging, an attached body S (as shown in Fig. 15) being attached onto a base portion (11a, 12a) of each base plate, any one of the snap elements having a

Art Unit: 3677

grip portion (17, 17') while the other snap element having a receiving portion (defined as the proximal end of element 12) making contact (Figs. 1, 4 and 5) with the base portion of the one snap element.

Referring to claims 2-4, Robson discloses various forms of the grip portion as seen in Figs. 1-5, 6, 7, 9 and 11, being formed as a grip which is pressed to release the fastener parts and formed as shown in Fig. 11 as a grip lifted upward by a user. As shown in Figs. 1-5 and 9, element 11, is made integral with a base portion 11a, which includes a protruded portion (best seen in Fig. 2) that comes in contact with a receiving ledge of element 12 when the elements are fastened together.

Claims 8 and 11, Robson discloses that at least one of the base portions 11 includes an attaching portion having a slit for receiving and fixedly attaching the attached body there-to. See column 5, lines 33-55.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robson.

Robson discloses that the pair of fastener elements is preferably made by extrusion of a thermoplastic resin, however, Robson fails to disclose that the fastener elements could be made by injection molding process. It would have been obvious to one having ordinary skill in the art at the time of applicant's invention to modify the elements of Robson to be formed by an injection molding process, since the Examiner takes the position that injection molding, extrusion, ultrasonic welding and other bonding techniques are known equivalents for their use in the fabricating or molding art and the selection of any of these known equivalents to make fastener elements of a thermoplastic resin would be within the level of ordinary skill in the art.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Robson. Robson discloses that the attached bodies edges of a garment such as a jacket or fly to be fastened together, but Robson does not specifically disclose that the attached bodies include a plurality of snap elements disposed on the attached bodies at a predetermined interval such that they oppose each other, however it would be obvious to one having ordinary skill in the art that the edges or tapes of various jackets and fly's of pants, shorts, etc. include a plurality of snap elements disposed along the length of the garment to provide quick close and release fasteners to protect a wearer from water, wind or even exposure to sunlight.

Art Unit: 3677

Allowable Subject Matter

Claims 7 and 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Additional references are cited on the PTO 892 form but were not used to determine patentability of this application instead the references gave background information on various snap fasteners.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andre' L. Jackson whose telephone number is (703) 605-4276. The examiner can normally be reached on Mon. - Fri. (9 am - 5 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on (703) 306-4115. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9326 for regular communications and (703) 872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1018.

Andre L. Jackson
Patent Examiner
AU 3677

ALJ
October 18, 2002


J. J. SWANN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600